

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #1	CCRB Case #: 202004054	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/03/2020 9:00 PM, Wednesday, 06/03/2020 10:00 PM	Location of Incident: East 50th Street and Third Avenue; East 50th Street and Lexington Avenue	Precinct: 17	18 Mo. SOL 12/3/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 06/06/2020 11:36 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 06/06/2020 11:36 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Driton Krasniqi	01161	949184	SRG 5
2. POM John Reddy	27561	948410	SRG 4
3. POF Alexis Billups	23409	962257	017 PCT
4. CPT Joseph Taylor	00000	924542	SRG 3
5. SGT David Lamarre	03547	947929	SRG 3
6. POM Kerry White	18586	942697	SRG 4
7. POM Joshua Ramirez	23651	954261	SRG 3
8. POM Allan Pajak	29343	933138	SRG 5
9. LT Patrick Oneill	00000	942281	017 PCT
10. POF Jamielee Cooper	22400	962994	SRG 1
11. SGT Catherine Kunst	01788	943284	SRG 4
12. DC John Dadamo	00000	913627	SRG
13. POM Frank Fiorenza	18475	957588	SRG 3
14. POM Alfredo Jeff	29583	954975	SRG 3
15. POM Roman Kulichenko	07183	956813	SRG 3
16. POM Junsun Park	28223	959875	SRG 3
17. POM Miguel Salgado	09053	951197	SRG 3
18. POM Steven Hong	08345	960677	SRG 3
19. LT Allen Kirmss	00000	948421	017 PCT
20. POM Gerlando Marchetta	24596	962573	SRG 3
21. POM Thomas Fiorella	18179	952734	060 PCT
22. POM Raymond Buono	02800	954578	122 DET
23. POM Anthony Digiovanni	26019	968377	052 PCT
24. CPT Ronald Ramos	00000	935562	SRG 4
25. SGT Eddie Rios	01483	948412	048 PCT
26. POF Paula Martorella	11978	940455	SRG 2

Witness Officer(s)	Shield No	Tax No	Cmd Name
27. POF Melissa Delacy	15494	933289	PBSI
28. POM Julio Santiago	23556	931157	CPK PCT
29. POM Deshon Thomas	13521	957213	083 PCT
30. POM Cristian Chang	25524	940985	CPK PCT
31. POM Manuel Bordoy	00323	948686	SRG 2
32. POM Michael Riggio	10159	951140	SRG 2
33. POF Crismarlin Henriquez	26769	968479	026 PCT
34. POM Erik Limardo	03114	963611	026 PCT
35. POM Joseph Callan	18735	962964	026 PCT
36. POM Dennis Peng	20134	962674	SRG 4
37. POM Matthew Loftus	30986	925623	SRG 4
38. POM Marco Dutan	21080	936535	SRG 3
39. POM John Liska	02431	961894	SRG 2
40. POM David Cardona	16573	960324	SRG 4
41. LT Christian Hernandez	00000	928473	TB DT11
42. POM Dmitry Bondar	11633	959497	SRG 3
43. POM Kevin Obrien	02141	947306	SRG 3
44. POM Jefferson Allie	26874	964873	023 PCT
45. POM Angel Carrasquillo	01569	941506	SRG 2
46. POM Kenneth Scarola	18017	937503	SRG 1
47. POF Jacqueline Vargas	05252	939634	SRG 1
48. POM Ryan Riveron	23018	953320	SRG 3
49. POM Lallit Beharry	28207	966960	023 PCT
50. POM Ugur Goktan	19897	968447	PSA 2
51. POM Shoeb Siddiqui	24863	968806	PSA 2
52. POM Zhen Lin	15130	966670	052 PCT
53. DT3 Vincenzo Valenza	5697	935897	AUTO CR
54. SGT Eric Hatkewitz	03528	936740	MTN PCT
55. POM Robert Mozden	17661	958959	SRG 2
56. POM Brandon Maciuba	17299	966682	028 PCT
57. POM Ryan Costello	03464	954672	109 PCT
58. POM Paul Insauto	14771	930399	SRG 5
59. POM Sean Billera	06837	938066	SRG 5
60. POM Craig Lupardo	07830	950790	SRG 5
61. POM David Johnson	10132	956776	SRG 2
62. POM Ryan Swift	10866	956287	SRG 2
63. POM Kendall Austin	04447	950032	SRG 2
64. POM Atif Chohan	12286	955815	TB ATU

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: At East 50th Street and 3rd Avenue in Manhattan, officers threatened individuals with the use of force.	
B. Officers	Force: At East 50th Street and 3rd Avenue in Manhattan, officers struck individuals with batons.	

Officer(s)	Allegation	Investigator Recommendation
C. An officer	Discourtesy: At East 50th Street and Lexington Avenue in Manhattan, an officer spoke discourteously to § 87(2)(b) and individuals.	

Case Summary

On June 6, 2020, § 87(2)(b) filed this complaint via the CCRB website on behalf of himself and unidentified individuals.

On June 3, 2020, at approximately 7:30 p.m., § 87(2)(b) and approximately 500+ unidentified individuals participated in a George Floyd protest march that began in front of Gracie Mansion, located in the vicinity of East End Avenue and East 88th Street in Manhattan, and headed south towards the Brooklyn Bridge. At approximately 9 p.m., multiple uniformed and plainclothes officers approached the group whilst they marched in the vicinity of East 50th Street and 3rd Avenue in Manhattan and played an automated curfew warning over police loudspeaker. Officers took protestors into custody. Some of the officers, with their nightsticks raised above their heads, chased after those protestors who ran (**Allegation A: Abuse of Authority**, § 87(2)(g) while others used their nightsticks to push and shove some protestors on the sidewalk (**Allegation B: Force**, § 87(2)(g). At some point, in the vicinity of East 50th Street and Lexington Avenue in Manhattan, whilst § 87(2)(b) and some unidentified protestors were leaving, an unidentified officer said to them, “Keep fucking going straight. I told you to fucking go straight” (**Allegation C: Discourtesy**, § 87(2)(g).

Multiple arrests and summonses resulted from this incident (Board Review 01). § 87(2)(b) however, was not arrested or summonsed.

Thirteen cellphone videos, six commercial surveillance camera videos, one Department of Transportation traffic camera video, one police stationhouse house video, and fourteen police Body Worn Camera (BWC) videos, were received for this incident (Board Review 02 - Board Review 13; Board Review 32).

Pleading Language for all allegations to be closed as officer unidentified

Allegation (A) Abuse of Authority: At East 50th Street and 3rd Avenue in Manhattan, officers threatened individuals with the use of force

Allegation (B) Force: At East 50th Street and 3rd Avenue in Manhattan, officers struck individuals with batons.

Allegation (C) Discourtesy: At East 50th Street and Lexington Avenue in Manhattan, an officer spoke discourteously to § 87(2)(b) and individuals.

Known facts and general descriptions

§ 87(2)(b) (Board Review 14) was at the protest with three other friends, whose names and contact information § 87(2)(b) did not wish to provide and said he did not know any of the other civilians at the protest. § 87(2)(b) acknowledged that he and the protestors were in violation of the 8:00 pm Citywide mandatory curfew (Board Review 15), but said the protest was generally peaceful. As they marched southbound on, what was determined via the investigation to be, 3rd Avenue, § 87(2)(b) observed several marked police vehicles stationed at East 50th Street with their emergency lights activated. He could not describe any of the police vehicles and did not see any vehicle numbers. Multiple uniformed police officers, some of whom were in riot gear and were riding bicycles, began to surround and form a barricade around the crowd from both the front and back end of the protest, as well as from the sidewalks. The protestors stopped marching, and some knelt in the street as a pre-recorded message played from a police loudspeaker in reference to the 8:00 pm curfew. After 10-15 minutes, officers started making arrests, causing a panic and resulting in § 87(2)(b) his friends, and other protestors running from the officers in all directions. Officers gave chase and § 87(2)(b) observed some officers running toward the crowd with their batons raised above their heads. He did not see them strike anyone with a baton. He also saw officers use their nightsticks to push the protestors on the sidewalk. § 87(2)(b) could not describe any of the civilians the officers chased or pushed with their nightsticks, nor could he describe any of the officers involved, except that there were many - he initially reported that there were hundreds of

officers. § 87(2)(b) did not know if the officers had followed them from Gracie Mansion or whether they were already on scene at the time the protestors approached. § 87(2)(b) described the officer who used profanity as an average built white man, who wore a dark uniform, but could not provide any additional description and said he could not identify any of the officers from this incident if shown their photos.

BWC and other video

§ 87(2)(b) provided five cellphone clips he recorded from the protest, none of which depict the allegations in this case or manifest misconduct (Board Review 02). Video IMG_5984.MOV, shows § 87(2)(b) and a large group of protestors in the vicinity of East 52nd Street and 3rd Avenue, and marching south on 3rd Avenue towards East 51st Street. § 87(2)(b) appears to be at the back end of the protestors, as there are a lot of protestors in front of him. Police emergency lights are also captured flashing approximately a block or two ahead of § 87(2)(b). At 00:02, § 87(2)(b) and some of the protestors turn and appear to begin to run north on 3rd Avenue. § 87(2)(b) however, appears to place his phone in his pocket, and thus does not capture any images, except audio, which captures § 87(2)(b) and some protestors yelling “Stay together.” Video IMG_5985.MOV, shows § 87(2)(b) and the large group of protestors marching south on 3rd Avenue and appearing to approach East 51st Street. At 00:06, another large group of protestors are also captured marching behind § 87(2)(b) and heading south on 3rd Avenue. Police emergency lights are also captured behind the protestors. No officers are depicted in the two videos.

Video IMG_5988 and IMG_5989, shows § 87(2)(b) and a large group of protestors kneeling in the street on 3rd Avenue between East 51st and East 50th Streets. There are officers, who appear to have formed a line in front of the protestors at the intersection of East 50th Street and 3rd Avenue, but they are not close enough to be specifically identified. At 00:11, § 87(2)(b) who appears to be towards the back, pans his camera towards East 51st Street, and captures multiple uniformed officers approaching the protestors and forming a line behind them. § 87(2)(b) and some of the protestors turn and face these officers. Some of the officers are dressed in helmets and riot gear, and appear to be holding nightsticks, but none of the officers are close enough to be captured in the video. Other officers are wearing motocross helmets. At 00:25, an automated curfew message plays on loudspeaker, while more officers approach, some on bikes, and form a line behind the protestors. At 01:10, some of the officers begin to approach the protestors kneeling and appear to arrest them. § 87(2)(b) and some of the protestors, all get up from the street, and move toward the sidewalk. § 87(2)(b) then appears to walk south towards East 50th Street. No officers are captured on the sidewalk.

Eight additional cellphone videos were obtained from § 87(2)(b) and § 87(2)(b) and from other social media, but none of the videos depict any of the allegations in this case (Board Review 02, 03, and 32). § 87(2)(b) video (Clip #202004307_20200713_1159_DMIA.MOV) (Board Review 03), shows a large group of protestors at East 54th Street and running south on 3rd Avenue. An equally large group of uniformed officers on mounted bikes appear to be following the protestors from behind, but none of them are close enough to be captured in the video. § 87(2)(b)'s video (Clip 202004307_20200630_0959_DMI.MOV) (Board Review 02), shows a large group of protestors at East 51st Street and heading south on 3rd Avenue. Some of the protestors have their hands raised in the air, and are chanting various protest chants. At 01:30, multiple uniformed officers, some on bikes, appear to follow and approach the protestors from behind. Some of the officers walking in the street, appear to be holding nightsticks in their hands. The officers are not close enough to be clearly identified in the video.

Six commercial surveillance cameras (Board Review 05 -Board Review 09), and one Department of Transportation traffic camera (Board Review 10), were obtained from the vicinities of 3rd Avenue between East 49th Street and East 51st Street, but none of the videos depict any of the allegations in this case. The footages show hundreds of protestors and uniformed police officers

walking in the streets and on the sidewalk, but the quality of these videos are poor, and their respective mounted positions makes it impossible to identify any of the officers.

A total of 14 BWCs were received in relation to this protest. Some of the videos capture the aspects of this incident where multiple officers form a line in front and behind the protestors, and appear to box them in, but none of the videos depict any of the allegations relevant to this case (Board Review 11 – Board Review 12). The BWCs of Police Officer Jamielee Cooper of SRG 1, Captain Joseph Taylor, Sergeant David Lamarre, and Police Officers Joshua Ramirez, Jeffery Alfredo, Roman Kulichenko, Steven Hong, and Junun Park, all from SRG 3, shows them and multiple officers running south on 3rd Avenue towards a group of protestors who are kneeling in the street between East 51st Street and East 50th Street. The officers, some of whom are on bikes, form a line in front of the group of protestors. An automated curfew message plays in the background, while Captain Taylor, and two other uniformed officers in white shirts, one of whom was identified via investigation as Deputy Chief (DC) John D ‘Adamo, instructs more officers to form a line behind the officers with bikes. At 02:16, Cpt. Taylor’s BWC (Board Review 12), shows him conferring with DC D ‘Adamo, and requesting the “greenlight” to begin making arrests. DC D ‘Adamo informs Cpt. Taylor that the protestors are all under arrest for violating the curfew. At 02:41, Cpt. Taylor returns to the front of the police line, and instructs the officers to begin making arrests. He instructs the officers to “take it slow,” and that the protestors are all passive. At 03:34, multiple officers, including Police Officers Ramirez, Park, Cooper, Alfredo, Kulichenko, and Hong, approach some of the protestors in front of the police line and arrest them without any incident. The four officers each escort their arrestees to the sidewalk, and remain with them for the duration of their respective videos.

At 03:52 and at 06:30, Cpt. Taylor and Sgt. Lamarre’s BWCs, respectively, show some of the protestors leaving the street and moving to the two sidewalks on 3rd Avenue while the officers continue making arrests. At 07:50, Sgt. Lamarre’s BWC (Board Review 11), shows more protestors leaving the street to the sidewalks while it begins to rain heavily. Multiple officers including Sgt. Lamarre and Cpt. Taylor, remain in the street and appear to supervise the arrests of the protestors still in the street. At 08:20, the majority of the protestors appear to have left the street and are on the eastern sidewalk at the intersection of 3rd Avenue and East 50th Street. It continues to rain heavily. Multiple officers, some with bikes, form a line in front of the curb of the sidewalk, and at the street intersection. At 08:44, some of the officers at the curb of the sidewalk, appear to be holding their nightsticks horizontally in both hands, and appear to observe the protestors as they leave the location. None of these officers are in close proximity to the protestors, and the quality of the video, due to the fact it was raining, is poor and none of the officers with nightsticks are clearly identifiable. At 09:10, a handful of the protestors in the street appear to be arrested, while more officers approach from the north of 3rd Avenue. Multiple police vehicles also arrive on scene and appear to block the street at the intersections of East 51st and East 50th Streets. At 11:00, all the protestors appear to have cleared the streets and the sidewalks, but the officers remain and stand in the street and the sidewalks.

The videos establish that there were hundreds of officers from multiple commands, including but not limited to Strategic Response Groups (SRG) 1 through 5, 17th, 60th, and Central Park (CPK) Precincts, at the scene, but additional requests for BWC yielded negative results (Board Review Board Review 16). The BWC search parameters included East 50th Street between 3rd and Lexington Avenues, the 17th Precinct, Strategic Response Groups (SRG), Disorder Control Unit (DCU), and the Critical Response Command (CRC). Requests for mounted and handheld TARU videos yielded negative results (Board Review 17).

NYPD documents reviewed

The New York City police precincts maps revealed that Gracie Mansion, which was where the protest originated, is within the confines of the 19th Precinct, and Patrol Borough Manhattan North (PBMN), whereas East 50th Street and 3rd Avenue and East 50th Street and Lexington

Avenue, are in the confines of the 17th Precinct, and Patrol Borough Manhattan South (PBMS). East 50th Street and Lexington Avenue, also lies exactly on the border of the 17th and 18th Precincts (Board Review 18).

The detail roster for PBMS on the incident date revealed that over 990 officers from almost every police precinct and specialized command in the City were assigned to protest assignments in the Manhattan South, but none of the post assignments related to the two incident locations, and many had no information detailing the officers' specific assignment locations (Board Review 19). The Tour 3 Roll Call of the 18th Precinct also revealed that approximately 26 officers were assigned to protest details at various locations between 3rd and 5th Avenue in Manhattan, but none of the post assignments related to the incident locations, nor was there any information relating to the officers' assignments (Board Review 20). The Tour 3 Roll Call for the 17th and 19th Precincts, and SRG 2 and 5, did not list any detail assignments relating to the protest, nor was there any specific post assignments relating to the incident locations (Board Review 21 – Board Review 23). Absent information relating to officers' assignments or post locations, the investigation was unable to determine if any of the officers on the roster and Roll Calls were on scene, and thus could not create a complete pool of potential officers from these documents. Additionally, no TRI or AIDED reports were prepared in relation to the protest (Board Review 24).

At 8:59 pm, a 10-13 (officers in need of assistance) was called requesting additional units to East 50th Street and 3rd Avenue (§ 87(2)(g)). Two other events were generated and determined to be duplicates of the first. At 9:03 pm, prisoner wagons were requested to the location and at 9:08 pm, it was noted that there were 40 under at the location (Board Review 33).

There were at least two Press reports about the protest that placed NYPD Chief Of Department Terence Monahan at the scene, but is unclear at which point he arrived on scene or the role he played in the enforcement of the curfew violation (Board Review 30- Board Review 31). Chief Monahan is also not listed in any of the above referenced rosters or Roll Call, or visible in any of the obtained videos.

The investigation, was, however, able to create a pool of approximately 63 potential officers who were confirmed to be at the scene based on the BWC videos (Board Review 25 – Board Review 26) and the 17th Precinct summons log (Board Review 01). The summons log revealed that a total of approximately 35 summonses were issued on the incident date in relation to the violation of the curfew in the vicinities of 3rd Avenue between East 50th Street and 53rd Street. A total of 30 officers from approximately 19 police precincts and specialized commands issued these summonses. None of the officers identified from the summons log and BWC videos, appear to be listed in any of the rosters and Roll Calls discussed above. From this pool, DC D'Adamo appears to be the highest-ranking officer who was present at the location, but as detailed above, the difficulty of identifying additional officers due to poor quality videos and poor recordkeeping of police documentary evidence, does not make this pool of potential officers an accurate and fair record in determining the scope of officers who were on scene.

Concurrent Investigations

Although multiple CCRB investigations were generated related to incidents in or near the area related to the protest, no known outside agencies investigated the allegations detailed in this complaint.

Ranking Officers

From the above-mentioned pool of officers, DC D'Adamo appears to be the highest ranking officer who was present at the locations. While news articles also place Chief Monahan on scene, it is unclear at what point he arrived or what role he played.

Officers Interviewed

DC D'Adamo (Board Review 34) was interviewed, but he did not recall much of this

incident, except that he arrived at the location to supervise the SRG units in the enforcement of the Citywide Curfew. He said there were hundreds of other officers from multiple commands and specialized units on scene but did not recall any of the officers or their commands, nor did he exercise supervision over them. DC D'Adamo said that as the Commanding Officer of SRG, he was only responsible for and had direct supervision of the SRG officers on scene. He, however, did not recall how many SRG officers were at the location, nor did he know of any paperwork was generated to document the officers who responded to the scene. DC D'Adamo said absent officers' respective activity log entries and callouts of radio transmissions, it was unlikely that any additional paperwork was generated to document which officers responded to the location, given that the protests were very fluid and fast evolving. He did not recall if there was an overall incident commander or supervisor on scene who appeared to be giving instructions to officers and did not recall if there were any officers of similar or higher rank to him. DC D'Adamo did not recall seeing Chief Monahan on scene. He acknowledged that he might have instructed the SRG officers to begin making arrests once the officers gave the protestors ample time to leave the location, but did not recall what instructions he might have given his officers, nor did he recall instructing any of the officers to chase, push, or strike protestors with their batons. He also did not recall hearing other officers give such instructions, nor did he partake in or witness officers chase, push, or strike protestors with their batons. DC D'Adamo also did not recall hearing officers use profanities against protestors at any point.

Allegation Recitation and Disposition

Allegation (A) Abuse of Authority: At East 50th Street and 3rd Avenue in Manhattan, officers threatened individuals with the use of force

Allegation (B) Force: At East 50th Street and 3rd Avenue in Manhattan, officers struck individuals with batons.

Allegation (C) Discourtesy: At East 50th Street and Lexington Avenue in Manhattan, an officer spoke discourteously to § 87(2)(b) and individuals.

As detailed above, poor quality videos, an improbably low number of BWC videos compared to the number of officers observed on scene, poor recordkeeping of police documentary evidence, and the number of precincts and patrol boroughs through which the protestors marched, resulted in an inaccurately shallow pool of potential officers on scene. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 27).

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of September 14, 2020, the New York City Office of the Comptroller had no record of a Notice of Claim being filed in regards this to complaint (Board Review 28).
- § 87(2)(b)

Squad No.: 1

Investigator:	<u>Enoch Sowah</u>	<u>Inv. Sowah</u>	<u>10/19/2020</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Mgr. Joy Almeyda</u>		<u>10.20.20</u>
	Signature	Print Title & Name	Date

Reviewer:			
	Signature	Print Title & Name	Date